NHRC Report about Jails

2503. SHRI G.Y. KRISHNAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the National Human Rights Commission, in its endeavour to improve jail conditions in India, has expressed concern about the large percentage of undertrials languishing in jails, without being formally brought to trial, and has pressed that the undertrials should be brought to trial expeditiously; and

(b) if so, Government's reaction thereto and what steps Government propose to take to set matters right in this behalf, ensure early justice to the undertrials and avoid over-crowding in the jails?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): (a) The National Human Rights Commission in their Annual Report for the year 1993-94 *inter-alia* recommended that:—

> "The Commission is deeply concerned about the appalling conditions of over-crowding, lack of sanitation, poor medical facilities, inadequate diet and the like, in most of the jails in the country. These serious deficiencies are compounded by unconscionable delays in the disposal of cases for various reasons and mismanagement in the administration of jails, all of which need to be remedied."

(b) 'Prisons' being a State subject, it is primarily the responsibility of the State Governments to review the position of the undertrials in jails. It is also the responsibility of State Governments to deal with any matter relating to the administration of prisons according to their rules, regulations, procedure and provisions of Jails Manuals. However, the Central Government has felt continued cause for concern over the loss than satisfactory conditions of prisons in the country. To supplement the efforts of State Governments to improve living conditions of prisons, health hygiene and security arrangements etc., Government of India had introduced a scheme of Modernisation of Prison Administration during 1987, and released an amount of Rs. 45 crores during the period 1987—92. The scheme has further been extended for the Eighth Plan Period with an allocation of Rs. 100 crores for the period.

Ensuring early justice to the undertrials to avoid over-crowding in the jails is also essentially the concern of the State Government. However, to make an in-depth study of the problem of arrears in Courts, a Committee of three Chief Justices of High Courts (Justice Malimath Committee) was constituted by the Government in 1989. The Committee has made several recommendations on various aspects covering jurisdictional and procedural modifications, improvements in the judiciary, setting up of specialised bodies such as tribunals/commissions to deal with specific types of cases, fixation of Judge strength and appointments of Judges in High Courts, creation of more posts in the Subordinate, judiciary and a number of other general recommendations relating to modernisation of office equipment in courts, allocation of more funds to the judiciary, etc. These recommendations were forwarded *inter-alia* to all concerned State Governments and the High Courts for necessary follow-up action.

Further, the problem of arrears of cases of Courts to find out ways and means to deal with it as expeditiously as possible was considered in a meeting of the Chief Ministers and Chief Justices held on 4th December, 1993 under the Chairmanship of the Prime Minister. The Conference recommended several steps in a resolution it adopted for speedy disposal of cases in Courts/Tribunals, which have been accepted by the Government and commended to all the State Government/UT Administrations and High Courts/Tribunals for necessary

action. Three working Groups of Law Ministers, thereafter, met to consider the recommendations contained in the above Resolution with regard to rural litigation, arrears of cases in administrative tribunals and alternative dispute resolution. The implementation of December, 1993 resolution and recommendations made by the Working Groups were reviewed by the Law Ministers at their plenary meeting held in Calcutta in November, 1994. The resolutions adopted in the meeting have been commended to all the concerned authorities for necessary follow-up action.

Categorisation of People for Security

2504. SHRI P. UPENDRA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have classified people in 'Z', 'Y' and 'X' categories, for security purposes;

(b) if so, how many people have been included under various categories and provided security;

(c) whether some State Governments have refused to follow the classification made by the Union Government and have withdrawn security from some persons; and

(d) what action Government are taking to prevail upon the State Governments' to follow instructions of the Union Ministry of Home Affairs?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): (a) and (b) At present security has been provided to 391 persons under different categories of security and the level of security is based on threat perception.

(c) and (d) Public Order which includes VIP security is a State subject under the Constitution of India. As such it is the responsibility of the State Governments to provide security to the persons within their respective jurisdiction.

Increase in Naxalite Activities in Bihar

2505. SHRI S.S. AHLUWALIA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that terrorist activities by the so called naxalites have been registering unprecedented growth, particularly in Bihar, for the past some time;

(b) if so, the details of persons killed, showing the number of police and other officials separately, ammunition looted from the police custody and other acts of crime, reported to have been committed by the so called naxalites in Bihar, year-wise since 1990;

(c) the steps taken by Government to control the naxalite menace and protect the common man, from its influence, particularly in the remote villages;

(d) whether it is a fact that the police has not been able to apprehend any of the leading perpetrators of the naxalite violence in Bihar, so far; and

(e) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): (a) The over all incidence of left extremist violence in the country has shown a steady decline since 1992. However, slight increase in naxalite violence for some time past in Bihar has been a cause for concern.

(b) The information available is given in the attached statement. *(see* below)

(c) to (e) "Public Order" and "Police" being State subjects, it is for the Government of Bihar to devise various methods and take concrete steps to improve the law and order situation. At the Central level, action is taken to facilitate coordination of the anti-naxalite operations of different States and to improve flow of information useful for control of naxalite activities among the State. Various measures have been initiated, with close cooperation of the State Government for tackling the